

Point Arena Fishermen
Notes for the Feb. 5, 2008 MPLA Meeting
Content Page

1. **“Why Are We Here?”** Four quotes from legal documents.
2. **“Point Arena Fishermen Concerns”** Nine major problems that we want to address at this meeting. They are written in the format:
Name:
Problem: (a description of the problem)
Question: (a suggestion for a question that could lead to a solution)
Solution: (a suggested solution that could satisfy us)
3. **“Big Questions”** Questions about principles and procedures involving the MLPA Initiative.
4. **“Back-up Data”** Quotations and data that may be useful for fully understanding and discussing the issues above.
5. **“Point Arena Fishermen’s MPA”** Small scale map and updated descriptions of the proposal as presented to the staff and stakeholders at the Nov. 28 MLPA meeting and the Jan. 22 and 29, 2008 meeting of the Point Arena City Council
6. **“Point Arena City Resolution 2008-1”** This resolution was written, discussed, and passed at the 1/29/08 special meeting of the Point Area City Council as reported in the 2/1/08 issue of the ICO.

Why are we here?

A few quotes from legal documents.

CALIFORNIA CONSTITUTION

ARTICLE 1 DECLARATION OF RIGHTS

“Section 25. The people shall have the right to fish upon and from the public lands of the State and in the waters thereof, excepting upon lands set aside for fish hatcheries, and no land owned by the State shall ever be sold or transferred without reserving in the people the absolute right to fish thereupon; and no law shall ever be passed making it a crime for the people to enter upon the public lands within this State for the purpose of fishing in any water containing fish that have been planted therein by the State; provided, that the legislature may by statute, provide for the season when and the conditions under which the different species of fish may be taken.”

Ralph M. Brown Act, p.1

“In enacting this chapter, The Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this state exist to aid in the conduct of the people’s business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.”

AB 993, Marine Life Protection Act, p.6

“(c) The government and team, in carrying out this chapter, shall take into account relevant information from local communities, and shall solicit comments and advice for the master plan from interested parties on issues including, but not necessarily limited to, each of the following:

- (1) Practical information on the marine environment and the relevant history of fishing and other resources use, areas where fishing is currently prohibited, and water pollution in the state’s coastal waters.
- (2) Socioeconomic and environmental impacts of various alternatives.
- (3) Design of monitoring and evaluation activities.
- (4) Methods to encourage public participation in the stewardship of the state’s MPA’s”.

AB 993, Marine Life Protection Act, p. 8

“2857. (a) On or before July 1, 2001, the department shall convene, in each boigeographical region and to the extent practicable near major working harbors, siting workshops, composed of interested parties, to review the alternatives for MPA networks and to provide advice on a preferred siting alternative. The department and team shall develop a preferred siting alternative that incorporates information and views provided by people who live in the area and other interested parties, including economic information, to the extent possible while maintaining consistency with the goals of section 2853 and guidelines in subdivision (c) of this section.”

Point Arena Fishermen Concerns

1. MPA size:

Problem: The current proposals EC, JC, JD, and TC, are too large for our area. On average these arrays take up about 35% of our State Waters area between Alder Creek and the Gualala River.

Questions: A. Don't you think putting 35% of our coast into MPAs is excessive?

B. Why not eliminate the proposed Point Arena and Arena Rock MPAs and modify the proposed Saunders Reef MPAs to be like the Point Arena Fishermen proposal?

Solution: Reduce the area of MPAs by half by eliminating the Point Arena and Arena Rock Proposals and/or adopting the Point Arena Fishermen Proposal.

2. MPA spacing:

Problem: The current proposals EC, JC, JD, and TC, propose two MPA arrays, the Point Arena SMR and SMCA and the Saunders Reef Inner SMCA and Outer SMCA. These two arrays are about 5 miles apart. The MPLA Master plan states that for most species MPAs "... need to be on the order of 50 to 100km apart." (That's 31 to 62 miles.) In order to achieve a goal of 14% of the coast in protection, the minimum spacing between minimum sized MPAs is about 21.5 miles.

Question: What is the point of placing two MPA arrays so close together when either one by itself is big enough to do the job?

Solution: establish fair but adequate spacing by eliminating the Point Arena and Arena Rock Proposals and/or adopting the Point Arena Fishermen Proposal and no other proposals for at least 21.5miles in either direction.

3. MPA restrictions on boating traffic:

Problem: The restrictions written by the CDFG in definitions of MPAs will cause fishermen in boats to choose between being legal or taking the safest, shortest (also most economical and least polluting) course between Arena Cove and nearby – but further than 5 or 6 miles – fishing areas.

Question: If you're going to insist on placing MPAs next to small ports like Arena Cove, why can't you at least include wording in the "Allowed Uses" like in the Point Arena Fishermen Proposal that would allow safe transit for fishing boats?

Solutions: A. Eliminate any MPAs near ports:

B. Include wording in the "Allowed Uses" descriptions of MPAs that are within short distances of ports that will allow legal transit. Here is a suggestion: "For safety, pollution reduction, and economic reasons, boats will be allowed to transit even with protected organisms that were legally caught elsewhere."

4. MPA proximity to Arena Cove Harbor/Pier:

Problem: The current proposals EC, JC, JD, and TC form a blockade by placing MPAs within 2 mile distance to the north and within 3 miles to the south of the Arena Cove Buoy.

Question: How do you expect the Arena Cove Harbor and Pier to continue operation after you have imposed a blockade?

Solution: Reduce number of MPAs by half by eliminating the Point Arena and Arena Rock Proposals and/or adopting the Point Arena Fishermen Proposal.

5. SMCA restrictions on bycatch:

Problem: The current proposals EC, JC, JD, TC, and External A propose restrictions that are unfair, overly restrictive, and difficult to enforce when taken in context with the CDFG restrictions in their definitions of MPAs. The most extreme example: only JD would allow anchovy, sardine, and herring, all the others say “salmon trolling only”. Since salmon trollers have traditionally used anchovies, sardines, and herring for bait, all but JD effectively restricts not only using bait in an SMCA, but even possessing it while in transit.

Question: Why do you want to restrict SMCAs to only one or two species when there are other species that are not threatened and also not benefited by MPAs that fishermen catch and would like to keep? For example, opah are occasionally taken on salmon trolling gear and highly prized.

Solution: Instead of saying “salmon trolling only”, use wording such as: “allows sport and commercial take from boats using traditional salmon trolling gear for pelagic and migratory species as defined on page 43 of Appendix G of the MLPA Master Plan (July 21, 2006) as allowed by existing regulations.” This short list of pelagic and migratory species includes the five most commonly used baits and Chinook salmon. It also includes a few species, like opah, that are occasionally caught while salmon trolling and highly prized by fishermen. In addition, the growing fishery for large squid should be allowed by adding “all squid species” or “all cephalopods” to the list of allowable species and the addition of “squid jigs” to the gear/methods allowances. These additions would have no negative effect on the hundreds of protected species within the SMCA.

6. MPA locations:

Problem: The current proposals EC, JC, JD, TC, and External A propose an SMR (red zone) and a highly restricted SMCA (blue zone) on our most desirable fishing area to the north of Arena Cove and the current proposals EC, JC, and TC, also restrict rockfishing from boats too far south of Saunders reef.

Question: Why can't you let local fishermen continue to fish in their traditional, favorite spots in a well regulated, sustained fishery and put the MPAs in another more suitable spot?

Solution: Eliminate the Point Arena and Arena Rock MPAs of the EC, JC, JD, TC, and External A proposals and move the Saunders reef MPAs north so the south boundary is on latitude N 38° 50', and/or adopt the Point Arena Fishermen's Proposal.

7. MPA boundaries are ill conceived:

Problem: Many MPAs have boundaries that are too poorly defined and/or too difficult to see for normal navigational practices. Problems include too many “hanging corners” and few or poorly visible land marks. Some of the current descriptions are still so vaguely written that even knowledgeable locals cannot understand them.

Question: When choosing MPA boundaries, why don't you go visit the site with knowledgeable locals, look at the land marks, and check the longitudes and latitudes with a GPS?

Solutions: Delete the Point Arena and Arena Rock MPAs of the EC, JC, JD, TC, and External A proposals and move the Saunders reef MPAs north so the south boundary is on latitude N 38° 50' and/or adopt the Point Arena Fishermen's Proposal.

8. MPA restrictions of shore fishing:

Problem: There is a strong traditional and cultural heritage of subsistence fishing among the people along this part of the coast. It is a socioeconomic necessity for our community and a way of life for many.

Question: CDFG regulations already enforce a "shorefishing only" season most of the year in all of our local areas proposed for MPAs. So why not just continue using existing regulations for the shoreline using the "Ribbon Concept"?

Solution: Adopt the "Ribbon Concept" in the P. A. Fishermen's Saunders reef SMCA.

9. Enforcement of MPAs:

Problem: CDFG wardens are too few and under budgeted to keep up with present enforcement much less all of the new MPAs.

Question: What measures will be taken to ensure the enforcement in the proposed MPAs specifically in our area?

Solutions: A. Choose new MPAs with ease of enforcement in mind. For example choose sites that have easy access and use land marks that are clearly visible from shore.

B. Design the proposals in such a way that the adjacent community "buys into" the proposal thus encouraging them to volunteer to help with enforcement. This will necessitate concessions and compromise by the preservationist lobbies.

Big Questions:

1. We can (and have) given many good reasons why the Arena Rock area should not be chosen for a highly restricted MPA. We have also proposed the Saunders Reef area as an alternative which is better suited. In other words, trade from Point Arena to Saunders Reef. What's wrong with this deal?
2. What role does Ecotrust play in this MLPA initiative?
3. Who or what exactly are the private entities providing the funds for this MLPA Initiative effort?
4. Where exactly can I get a copy of the budget and expenditures for this MLPA Initiative effort?
5. The Constitution of the State of California has guaranteed the rights of the people to fish on state lands. Have there been any legal cases or determinations as to the constitutionality of MPAs that deny these rights?
6. What do you think is a reasonable portion of the state waters to be set aside as SMRs and SMCAs? Please answer both in terms of percent of area and percent of coastline?
7. We have been told the names of the three stakeholder groups and we have the names of the individual stakeholders. Will you tell us who is in which group, which members within each group are in positions of leadership and the title and function of their leadership positions?
8. How are decisions made within each stakeholder group, for example, majority vote, consensus, or what?
9. How are decisions made within the Science Advisory Team (SAT), for example, majority vote, consensus, or what?
10. How are decisions made within the Blue Ribbon Task Force, for example, majority vote, consensus, or what?
11. In the California Department of Fish and Game's definition of SMCAs it says that uses "...may be restricted by the designating entity or managing agency." Who or what might the "designating entity" and/or "managing agency" be?
12. What do you propose to do to "...encourage public participation in the stewardship of the state's MPA's"?

Back-up Data

1. From the CDFG definition of SMR: “**Restrictions [36710(a) PRC]**: it is unlawful to injure, damage, take or possess any living, geological or cultural marine resource, except under a permit or specific authorization from the managing agency for research, restoration or monitoring purposes. While, to the extent feasible, the area shall be open to the public for managed enjoyment and study, the area shall be maintained to the extent practicable in an undisturbed and unpolluted state. Therefore, access and use (such as walking swimming, boating and diving) may be restricted to protect marine resources.”

2. From the CDFG definition of SMCA: “**Restrictions [36710(c) PRC]**: it is unlawful to injure, damage, take or possess any specified living, geological or cultural marine resources for certain commercial, recreational, or a combination of commercial and recreational purposes. In general, any commercial and/or recreational uses that would compromise protection of the species of interest, natural community, habitat or geological features may be restricted by the designating entity or managing agency.”

3. From Appendix G of the Master Plan (July 21, 2006 p. 43): “Species with a strong tendency to move will not benefit significantly from the establishment of MPAs unless individual sites are large enough to encompass their entire range of movement. These include pelagic species such as northern anchovy, Pacific sardine, Pacific mackerel, jack mackerel, Pacific herring, and California market squid, highly migratory species such as albacore, tuna (bigeye, bluefin yellow fin tuna, and skipjack), Pacific bonito, wahoo, opah, dolphin fish, sword fish, and striped marlin, most shark species (with the possible exception of smoothhounds, leopard, and angel sharks), and other migratory species including chinook and cojo [sic] salmon, striped bass, yellowtail, barracuda, Pacific hake, and sablefish.”

4. The part of the Mendocino coast affected by the current MLPA proposals runs from the Gualala River north almost to Alder Creek. It includes about 22.1 mile of coastline and 75.6 square miles of State ocean waters. The Point Arena Fishermen’s proposed MPAs occupy 4.75 miles of coastline and an area of 15.6 square miles. This includes both the “Saunders Reef SMCA” and the smaller “Saunders Reef Abalone and Kelp SMCA”. This equates with 9862 acres total (after subtracting the “Ribbon”). The “Saunders Reef Abalone and Kelp SMCA” alone has 1.8 square miles or 1183 acres of highly protected area with about 1.4 miles of fully protected shoreline. The “Saunders Reef SMCA” has about 3.35 miles of shoreline open to fishing and diving (the “Ribbon”) which amounts to 0.19 square miles or 122 acres.

5. AB 993 states that “only 14 of the 220,000 square miles” of coastal waters are no-take reserves (SMRs). That was before the approval of the South Central MPAs and the proposed North Central MPAs. The JD Point Arena SMR Proposal alone is 6.3 square miles and the total area of state waters between Alder Creek and the Gualala River is 75.6 square miles for 8.3 % of the area of our part of the coast. If this same percentage were applied to all of the State waters it would amount to 18,260 square miles or 11,686,400 acres. The EC “Sea Ranch to Salt Point SMR” is even worse at about 35 Square Miles!

Name of Draft MPA Proposal: Point Arena Fishermen's MPA

Number and type of MPAs in revised MPA proposal: 0 SMR 0 SMP 2 SMCA 2 Total # MPAs

Narrative Rationale: This proposal is the result of trying to make an MPA array that more rationally includes the needs of the people already living in harmony with their environment. Human beings have been an integral part of the California coastal ecosystem for over 10000 years. It is necessary to include humans in traditional ecological niches in order to maintain our traditions and heritage. This proposal for the southern Mendocino County coast would minimize the hardships that would be thrust upon us by the other currently proposed draft arrays: 1 (EC), 2 (JD), 3 (TC), 4 (JC) and External Proposal A. At the same time, it will provide an MPA that fits all of the design criteria and MLPA goals and objectives that relate to marine habitat enhancement and protection of endangered and threatened species.

Saunders Reef SMCA

General MPA Boundaries:

From Iversen Point at (N 38° 50.80'), south along shore to N 38° 50.00', west to the State Water Boundary, Northerly along the State Boundary to N 38°53.00', east to shore, and southerly to the southern end of the Saunders Reef State Beach at N 38° 52.00'.

Allowed or Disallowed Uses:

This SMCA will Allow sport fishing (including invertebrates and algae) for a distance of 100 yards offshore from low tide (the ribbon concept), commercial take of urchin, and sport and commercial take from boats of all cephalopods, and pelagic and migratory species as defined on page 43 of Appendix G of the MLPA Master Plan (July 21, 2006) as allowed by existing regulations. For safety, pollution reduction, and economic reasons boats will be allowed to transit even with protected organisms that were legally caught elsewhere.

MPA Specific Objective [Short Narrative on the main intent of this MPA]:

This would include the Saunders Reef Abalone and Kelp SMCA by surrounding it on the ocean sides, and act as a buffer to enhance enforcement. It would protect benthic organisms and the 19 NMFP Effectuated Species This area includes a wide range of habitat types including sandy beaches, large off-shore shallow reefs, mouths of small creeks, massive kelp beds, tide pools, and a mix of hard and soft bottom at a variety of depths.

Comments Questions or Important Information :

A gear restriction permitting only salmon gear and squid jigs when fishing from boats in this zone would further enhance the protection.

The allowance of taking pelagic and migratory species beyond Chinook salmon, as defined in "Appendix G" would have a negligible impact on the coastal ecosystem but a valuable positive effect on the fishermen 's cooperation and participation in the MPLA program.

Saunders Reef Abalone and Kelp SMCA

General MPA Boundaries:

From Iversen Point (N 38° 50.80'), West to W 123° 40.00' (near the Saunders Reef buoy), then 310° magnetic (approximately along the 30 meter or 15 fathom depth line), to N 38° 52.00', east to shore, and follow the shoreline southerly to the starting point.

Allowed or Disallowed Uses

Only commercial take of sea urchins is allowed.

MPA Specific Objective [Short Narrative on the main intent of this MPA]

This MPA is basically an SMR. It gives complete protection for all organisms except the necessary take of larger, legal sized urchin, leaving plenty of urchins to form a complete and balanced kelp forest habitat. This is a large shallow reef with several offshore rocks exposed at the lowest tides.

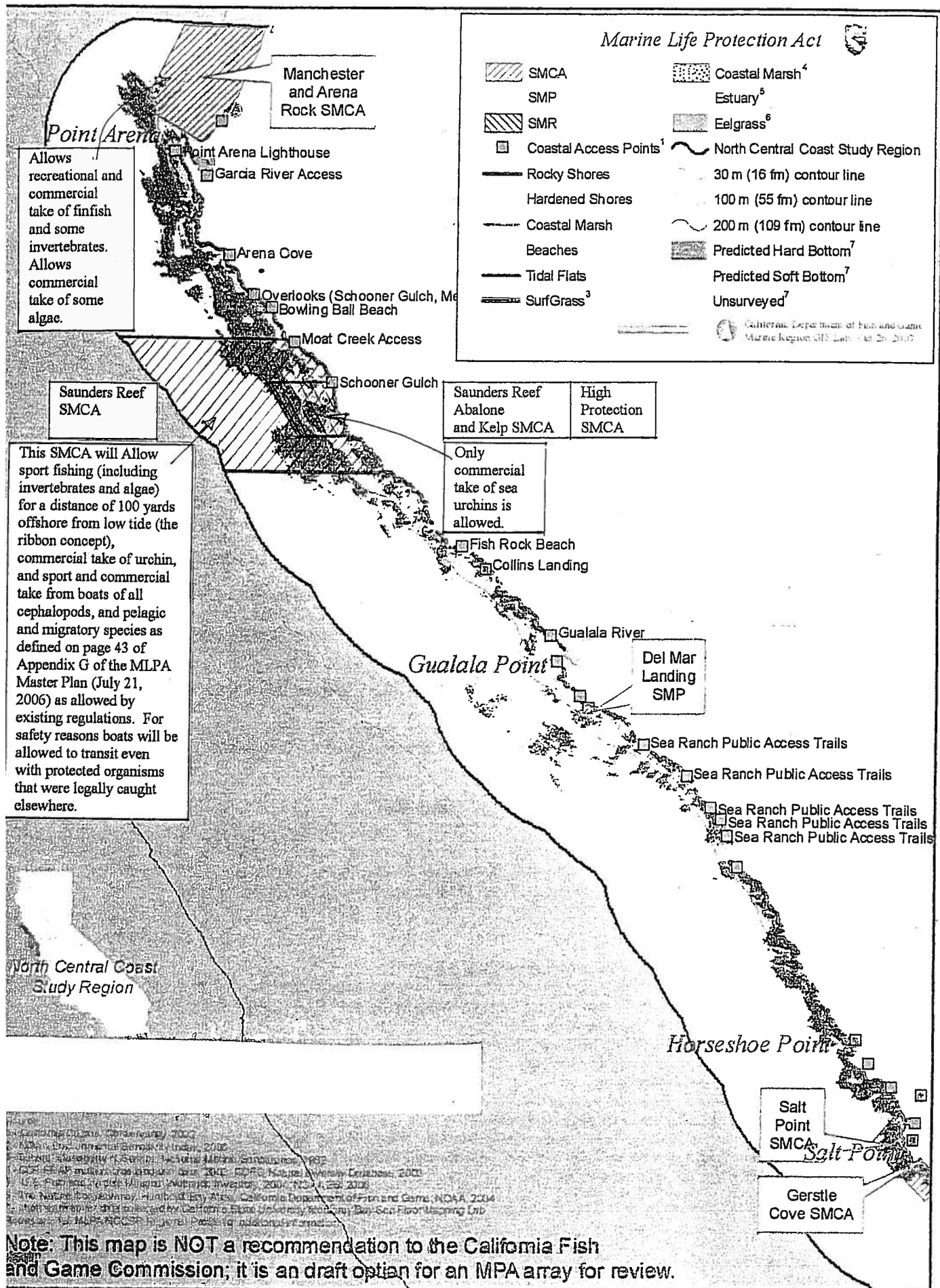
It is ideally located for dispersal of marine larvae, settlement of juvenile organisms, and the eventual outward migration of large, mature organisms. It is also an ideal location for study and enforcement.

Comments Questions or Important Information

The harvest of legal sized urchins is necessary to maintain the kelp forest habitat that is so important for the success of the abalone and juvenile fish (especially the 19 Effectuated Nearshore Fish species listed by the NFMP).

For ease of enforcement and study purposes it is at a location that may be viewed from a State Beach, at least one other public access, and a number of Highway One "pullouts". It is only 5 miles south of Arena Cove and there is an existing navigational aid buoy near the south west corner.

(map on other side)



RESOLUTON NO. 2008-01

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POINT ARENA,
CALIFORNIA, SUPPORTING IMPLEMENTATION OF THE
MARINE LIFE PROTECTION ACT (MLPA)**

WHEREAS, the City of Point Arena values the Municipal Pier as a vital part of the City and as an access point for recreational and commercial boating and hopes that the resulting Marine Protected Areas will permit continued boating operations; and

WHEREAS, a group known as "Point Arena Fishermen", representing a unified and deeply knowledgeable voice of consumptive and commercial ocean users have diligently prepared a local alternative that reduces impacts on socioeconomics, fishing tradition, heritage and safety while meeting the goals of the MLPA; and

WHEREAS, the Point Arena City Council finds that the grounds west of 123.45.00 of great importance to recreational and commercial fishing and the continued survival of the municipal pier; and

THEREFORE BE IT RESOLVED THAT the Point Arena City Council endorses the Point Arena Fishermen's proposal; and

BE IT FURTHER RESOLVED THAT the City Council of the City of Point Arena finds that of the five current proposals (Jade D, Jade C, Emerald C, Turquoise C and External A), the Arena Rock and Saunders Reef portion of the Emerald C proposal is most acceptable for protecting the interest that we find vital; and

BE IT FINALLY RESOLVED THAT the City Council requests that the following language be added to the description of allowable uses in the MPA: *For safety, pollution reduction, and economic reasons boats will be allowed to transit the MPA with protected organism that were legally caught elsewhere.*

PASSED and ADOPTED by the City Council of the City of Point Arena, State of California, this 29th day of January, 2008 by the following vote:

AYES:	Councilmembers Cross, Dahlhoff, Riehl, Sinnott, Smith
NOES:	None
ABSENT:	None
ABSTAIN:	None

Introduction

(Revised 1/22/08 by H.A. Jacobs)

I have studied the April 2007 edition of “National Geographic”, the MLPA Draft Proposals for MPA Arrays, the “Regional Profile of the North Central Coast Study Region”, the Regional Stakeholder Goals and Objectives, Section 3 of the Master Plan for Marine Protected Areas (“Considerations in the Design of MPAs”), Appendix G of the Master Plan, “Information on the Nearshore Fishery Management Plan” from www.wildcalifornia.org, the Abalone Recovery and Management Plan, CDFG MLPA definitions from www.dfg.ca.gov, and the Assembly Bill responsible for the California MLPA– AB 993. I have also seen some of the Ecotrust data but I need a more complete copy for it to be useful.

I have contacted a number of local people including State Park employees, a retired CDFG warden, commercial fishermen, sport fishermen, business owners and coastal land owners. Although I have tried to talk with MLPA staff and primary stakeholders, so far the results have been unsatisfactory.

The proposal that I will be describing is a result of all of the input above plus my own judgment based upon my formal education and life experiences.

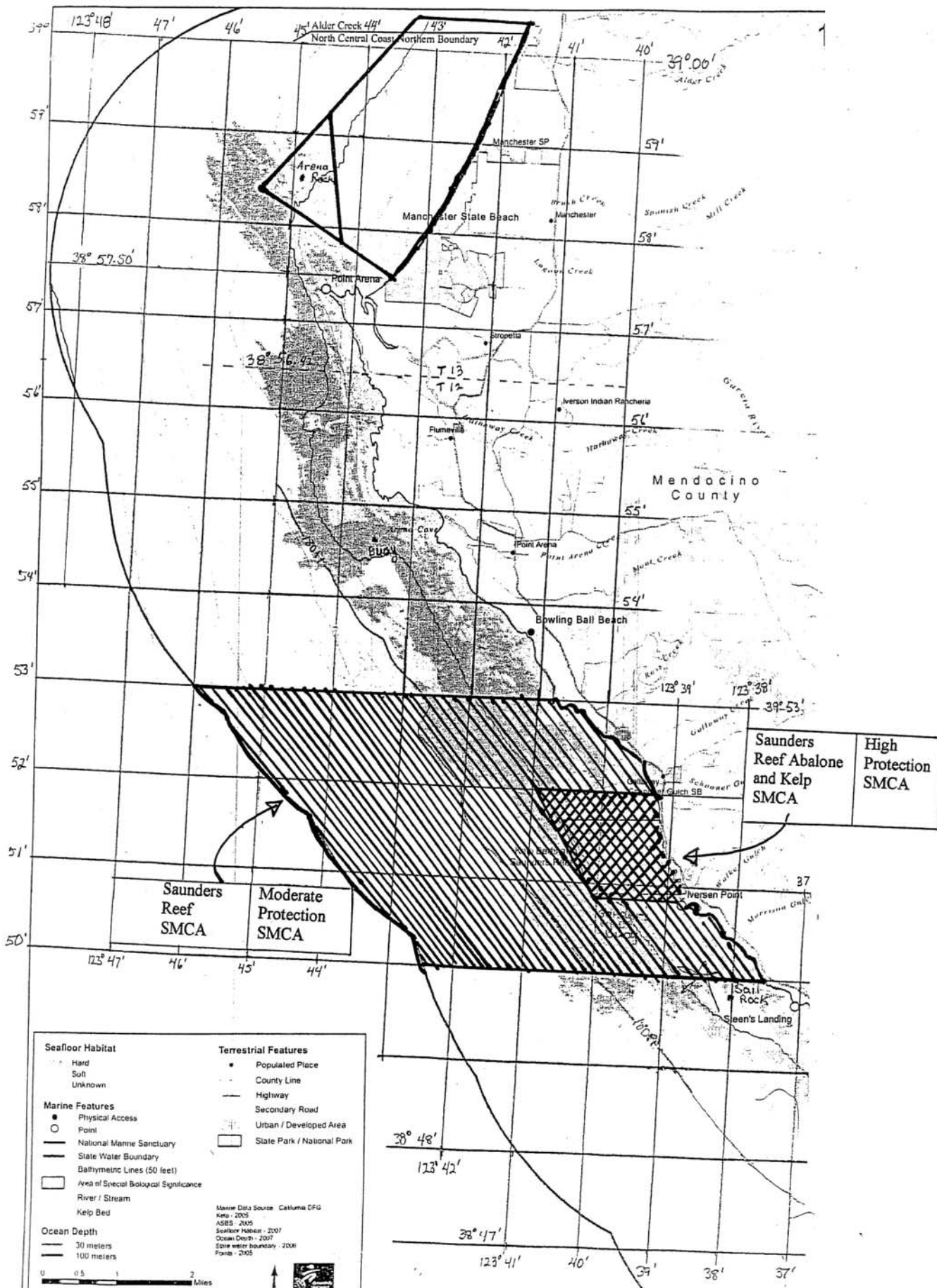
While studying the MLPA documents it occurred to me that I agree with the basic science, I agree with most of the goals and objectives, and I even agree with the “Considerations in the Design of MPAs” in the Master Plan. However, I do disagree with the other MPA proposals in three important ways.

The first thing I am concerned with is the scope of application. The size shape and spacing of most of the current MPA proposals create a blockade around the port of Arena Cove. I have been told verbally that the MPAs will not restrict boat traffic but the written restrictions in the California Department of Fish and Game definitions of MPAs say otherwise. My proposal for the Mendocino county part of the North Central District will be for a MPA that covers about 4.5 miles of coastline beginning about two miles south of Arena Cove and no restrictions to the north. I also expect a separation of at least 22 miles of coastline both to the north and to the south before the next MPA in order to maintain a fair and equitable distribution of additional MPAs.

The second problem is in the priorities that the stakeholders and external groups gave the goals, objectives, and design considerations. For example most proposals stressed the protection of mainly rock fish and abalone. Because of the great importance of the Arena Cove Harbor to the coastal community, I believe the socioeconomic impact and the safety of people using the harbor facilities has a higher priority. If the choice of MPA location, size, or restrictions is going to close the harbor facilities it defeats its own purpose. For the sake of safety and economy, my proposal will be placed south of the harbor and there will be no restriction on the passage of vessels through the SMCA, even with legally caught organisms from beyond the MPA (thus reducing the effect of the blockade).

Thirdly, as a scientist, I must object to the lack of logic and scientific objectivity. For example most of the proposed MPAs include areas of abalone habitat in SMRs. The

Abalone Recovery and Management Plan (pages 2-10 and 2- 11) tells of the red urchins' direct competition with red abalone. Without the intervention of humans, the urchin population will increase until the formation of an urchin barren. An urchin barren is the underwater equivalent of a pasture that is over grazed to bare dirt. In other words, we had better allow commercial urchin take or lose our kelp beds and abalone. My proposal will include an inner MPA that the Master Plan (pages 53 and 54) calls a "High Protection" SMCA, which is essentially an SMR. It restricts all take except commercial red urchins in order to ensure the continued success of the kelp forest habitat that exists there today. Another example is in the persistence of proposals that prevent shorefront landowners from fishing along the shore adjacent to their own property and the general public from fishing along the shore adjacent to public accesses. The logic lost here is that the very small loss of organisms that would be taken by land owners and their friends would be negligible when compared to the benefits of the good will, cooperation, enforcement, and general support of the MLPA and CDFG to be gained by allowing a "ribbon" along the shoreline for sport fishing. Depriving the general public of the right to fish from public accesses that they fought for and paid for is similarly illogical (if not unconstitutional) even though the take of organisms near the public access areas is much greater. Therefore I am proposing a sport fishing "ribbon" zone along the shore for one hundred yards seaward from low tide in the "Moderate Protection" SMCA (but not in the "High Protection" SMCA).



California MLPA North central Coast Project
Draft Proposal P.A. Fishermen- January 27, 2008 version

Name of Draft MPA Proposal: Point Arena Fishermen's MPA

Number and type of MPAs in revised MPA proposal: 0 SMR 0 SMP 2 SMCA 2 Total # MPAs

Narrative Rationale: This proposal is the result of trying to make an MPA array that more rationally includes the needs of the people already living in harmony with their environment. Human beings have been an integral part of the California coastal ecosystem for over 10000 years. It is necessary to include humans in traditional ecological niches in order to maintain our traditions and heritage. This proposal for the southern Mendocino County coast would minimize the hardships that would be thrust upon us by the other currently proposed draft arrays: 1 (EC), 2 (JD), 3 (TC), 4 (JC) and External Proposal A. At the same time, it will provide an MPA that fits all of the design criteria and MLPA goals and objectives that relate to marine habitat enhancement and protection of endangered and threatened species.

MPA Name	Type	GIS ID #	General MPA Boundaries	Allowed or Disallowed Uses	SAT Assigned Level of Protection	Regional Goals/ Objectives/Design Criteria This MPA Contributes Toward	MPA Specific Objective [Short Narrative on the main intent of this MPA]	Comments Questions or Important Information
Saunders Reef SMCA	SMCA		From Iversen Point (N 38° 50.80') south along shore to N 38° 50.00', west to the State Water Boundary, Northerly along the State Boundary to N 38°53.00' east to shore and southerly to the southern boundary of the Saunders Reef State Beach.	This SMCA will Allow sport fishing (including invertebrates and algae) for a distance of 100 yards offshore from low tide (the ribbon concept), commercial take of urchin, and sport and commercial take from boats of all cephalopods, and pelagic and migratory species as defined on page 43 of Appendix G of the MLPA Master Plan (July 21, 2006) as allowed by existing regulations. For safety, pollution reduction, and economic reasons boats will be allowed to transit even with protected organisms that were legally caught elsewhere.		We are considering "Human Activity Patterns" as described on page 40 of the Master Plan with a high priority. All identified threatened or endangered species are highly protected. Goal 1 all Goal 2 all Goal 3 all Goal 4.2 Goal 5 all Goal 6 generally Considers all design criteria	This would include the Saunders Reef Abalone and Kelp SMCA by surrounding it on the ocean sides, and act as a buffer to enhance enforcement. It would protect benthic organisms and the 19 NMFP Effected Species This area includes a wide range of habitat types including sandy beaches, large off-shore shallow reefs, mouths of small creeks, massive kelp beds, tide pools, and a mix of hard and soft bottom at a variety of depths.	A gear restriction permitting only salmon gear and squid jigs when fishing from boats in this zone would further enhance the protection. The allowance of taking pelagic and migratory species beyond Chinook salmon, as defined in "Appendix G" would have a negligible impact on the coastal ecosystem but a valuable positive effect on the fishermen 's cooperation and participation in the MPLA program.

California MLPA North central Coast Project
Draft Proposal P.A. Fishermen- January 27, 2008 version

Name of Draft MPA Proposal: Point Arena Fishermen's MPA

Number and type of MPAs in revised MPA proposal: 0 SMR 0 SMP 2 SMCA 2 Total # MPAs

Narrative Rationale:

MPA Name	Type	GIS ID #	General MPA Boundaries	Allowed or Disallowed Uses	SAT Assigned Level of Protection	Regional Goals/ Objectives/Design Criteria This MPA Contributes Toward	MPA Specific Objective [Short Narrative on the main intent of this MPA]	Comments Questions or Important Information
Saunders Reef Abalone and Kelp SMCA	SMCA		From Iversen Point (N 38° 50.80') West to W 123° 40.00' (near the Saunders Reef buoy) then 310° magnetic (approximately along the 30 meter or 15 fathom depth line) to N 38° 52.00', east to shore, and follow the shoreline southerly to the starting point.	Only commercial take of sea urchins is allowed.		It completely encloses the main part of Saunders Reef, an area indicated on several MLPA maps as an "Area of Special Biological Significance". Goal 1 all Goal 2 all Goal 3 all Goal 4.2 Goal 5 all Goal 6 generally	This MPA is basically an SMR. It gives complete protection for all organisms except the necessary take of larger, legal sized urchin, leaving plenty of urchins to form a complete and balanced kelp forest habitat. This is a large shallow reef with several offshore rocks exposed at the lowest tides. It is ideally located for dispersal of marine larvae, settlement of juvenile organisms, and the eventual outward migration of large, mature organisms. It is also an ideal location for study and enforcement.	The harvest of legal sized urchins is necessary to maintain the kelp forest habitat that is so important for the success of the abalone and juvenile fish (especially the 19 Effectuated Nearshore Fish species listed by the NFMP). For ease of enforcement and study purposes it is at a location that may be viewed from a State Beach, at least one other public access, and a number of Highway One "pullouts". It is only 5 miles south of Arena Cove and there is an existing navigational aid buoy near the south west corner.

Why Arena Rock? (Revised 1/27/08)

There seems to me to be a concerted effort to protect the area north of Arena Cove that has persisted for at least twenty years. What is currently called “Manchester and Arena Rock SMCA” on the MLPA maps was originally called “Arena Rock Natural Preserve” when created by the State Park and Recreation Commission in 1987. Although at that time we were told “the classification will not affect commercial and recreational fishing in the area” there have been several attempts to close fishing to one degree or another in this area. I don’t think a closure in this area is a good idea. A much better proposal for a Marine Protected Area is the Point Arena Fishermen Option A which includes the Saunders Reef area.

Here are a number of reasons why Point Arena and Arena Rock are not good locations for a large MPA:

1. Danger:

- a. Due to severe currents and wave action, Arena Rock is not a place to be visited by the novice fisherman, or diver especially inexperienced research students. This would reduce the value for typical college research use.
- b. Generally local fishermen head into the wind from Arena Cove so if the weather suddenly worsens (which can happen here in minutes) they can return to port more quickly and safely. Because the prevailing wind is from the northwest, most fishing is to the north of Arena Cove. Depriving fishermen of this choice will result in increased risk and/or less fishing (see 2. below).
- c. An added danger would be imposed if fishermen are not allowed to travel through any MPAs in the shortest route possible. For example, the case of possession of fish in a “no take” zone. Say for example a Nearshore commercial fisherman motors through an MPA to fish for rock cod on the other side. When he’s done and returns to port must he travel all the way around the MPA? The CDFG definition of an SMCA, includes the statement: **“Restrictions [36710© PRC]:** it is unlawful to injure, damage, take or possess any specific living, geological or cultural marine resources for certain commercial, recreational, or a combination of commercial and recreational purposes.” The definitions for SMP and SMR have very similar statements. This could mean adding up to 8 miles on a course, off shore into shipping lanes, in open sea conditions, and sideways to the wind and seas. It seems this would also apply to sport fishermen and divers and even a yacht with a fish in the fridge for dinner later.

2. Economics:

- a. The Arena Cove Pier operations are funded primarily from user fees such as commercial landing fees and boat launches (sport and commercial). Restrictive MPAs like those already proposed will discourage pier users to the point that they will not return, thus reducing income to the pier facilities.
- b. Ancillary businesses like stores, gas stations, restaurants, campgrounds, and motels, from Manchester to as far south as Gualala derive income from Pier visitors will also be affected.
- c. Local, county, state, and federal government agencies reap taxes from pier visitors, so they will be affected too.

- d. The domino effect: The pier operation is barely solvent as it is. Even a small reduction of income would start a downward spiral of reduced service which would result in reduced number of users, causing further reduced funding, then closing of pier facilities, thus reducing CDFG and researcher's access to MLPAs, loss of ancillary businesses, loss of taxes, etc. The final result would not be "...high levels of short term economic impact" as stated on page 40 of the MLPA Master Plan, but instead, high levels of permanent loss to the community at all levels!
3. Scientific Value:
- a. The Arena Rock reef is subject to extremely strong currents and wave action. It is an area of cold nutrient-rich, but plankton-poor water. The prevailing currents are from the north so water is most often swept over the rocks and then passes out to deeper offshore waters. When the current is from the south, water is swept past the rocks along a sandy beach forming an eddy. The nearest hard bottom and kelp beds to the north are about five miles away. Because of these currents this area is poorly located to act as starting point for larval abalone or rock cod as they would be less likely to find good habitat for settlement or planktonic food. In addition, the Arena Rock reef area is surrounded by soft bottom on the shore-ward sides, making it a poor source of migrating mature abalone for adjacent reefs.
 - b. The lack of kelp and abundance of large predatory fish (ling cod, rock cod, and salmon) make the Arena Rock area a poor choice for recruitment of juvenile rock cod and abalone.
 - c. The annual flooding of the Garcia River inundates the Arena Rock and northeast Point Arena area with a freshwater plume that is harmful to slow moving or sessile invertebrates, kelp, and other algae.
4. Public Access:
- a. According to the CDFG definitions of MPAs, "the designating entity or managing agency" may restrict non-consumptive users' "...access and use (such as walking, swimming, boating, and diving)..." In all of my dealing with governing agencies, the word "may" is no different in meaning than "can" and "will". This also brings up the question of who might the "designating entity or managing agency" be?
5. Redundant protection:
- a. Arena Rock SMCA is an extension of Manchester Beach State Park so it is under State park jurisdiction.
 - b. The fenced lighthouse area does not allow access to the water from land, therefore reducing the take of marine organisms.
 - c. Mendocino Junior College Marine Station (old LORAN A site) an educational site with limited access.
 - d. Nature – There are very few safe access points from land and not many days of fair weather for boat access, resulting in natural protection.
 - e. Existing CDFG rules and regulations protect all wildlife. The regulations covering abalone and the RCG complex, which includes the 19 Effected Nearshore Fish Species of the NFMP, are especially stringent and successful.
 - f. BLM rules and regulations protect former Stornetta land and all offshore rocks. For example, one of their rules forbids climbing cliffs which greatly reduces access, and therefore reduces the take.
6. Aesthetics:

- a. The whole Arena Rock area is far from shore, completely submerged and invisible from shore except when a wave breaks upon it. There is no need to add additional protection for the viewshed.
 - b. I have been told that Arena Rock is a wondrous place to see and to photograph or spearfish from underwater. I also know from personal experience it is a wonderful sport fishing spot. But it is only accessible by boat a few days of the year due to weather, waves and currents. I believe the single highest value of this area is for fishing and diving. It would be a crime to make it off limits to all but a few elite researchers. It would be like locking the Mona Lisa in a basement where only an elite researcher would be allowed to see it.
 - c. The land/beach portion of the current stakeholder proposals for Point Arena is one of the most photographed spots on the Mendocino coast. There are thousands of visitors per year to the Light House alone. But this value is not affected by either the presence or the absence of MPAs
7. Indigenous Native People's Cultural Heritage:
- a. There is ample evidence of the use of the Point Arena headlands (Stornetta/BLM public access area) by indigenous native people in the form of "Indian Middens". There can be no doubt that this was an important traditional and cultural site since prehistoric times. The local Pomo tribal members used this area for gathering traditional sea food up until the early 1970's when the County access site reverted to private ownership and they were denied further access. This access was restored about three years ago when the BLM took over control. The restrictive MPAs proposed for the Point Arena area north of Arena cove would again deprive them of this important traditional cultural heritage. This is clearly not the right thing to do.
8. Over-protection Blockade:
- a. Four of the five current official Stake-Holder options call for MPAs very near both sides of Arena Cove. They begin 2 miles north of the Arena Cove Buoy and 3 miles south of the Arena Cove Buoy. Due to the north – south lengths of these MPAs (with a total protected zone of about 6.25 miles) about 56% of the ocean nearest Arena Cove is highly restricted. The species restrictions imposed by these proposals in combination with the enforcement restrictions as defined by the California Department of Fish and Game (see items 1.c. and 4.a. above) would form a very effective blockade. For example a fishermen from Arena Cove seeking rockfish would either have to compete with every one else within the five miles total open area or motor more than 6 miles to get past a protected zone to reach legal grounds. That's bad enough, but then to return to port legally they would need to add about 8 more miles to their trip to go out to sea, into shipping lanes, and around the restricted zones with their catch. Now I suppose if you are not knowledgeable about running small boats in the open ocean, 8 miles may seem trivial but it isn't. Just ask any fisherman familiar with the Point Arena area to look at the "blockade proposals" and ask for their opinion. Many fishermen faced with this decision will either settle for fishing close to port, causing local over harvesting, or just go to a different port (see 2.a. through 2.d. above).